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15 Attorney for Defendants
16 Michael Popov, D.O. and Jonathan Still, M.D.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIAM BLUE, individually, and as Special
Administrator of the Estate of STEPHEN
BURRELL; LISA L. CARROLL on behalf of her
wards SMB, and SFB, individually,

Plaintiffs,

vs.

CITY OF LAS VEGAS, a political subdivision of
the State of Nevada; MICHELE FREEMAN,
Former Chief of City of Las Vegas Department of
Public Safety in her official and individual
capacities, ROBERT STRAUBE, Deputy Chief of
Detention Services for City of Las Vegas
Department of Public Safety, LIEUTENANT
SHARON MEADS, LIEUTENANT CESAR
LANDROVE, LIEUTENANT VENUS
THOMPSON, LIEUTENANT DANIELLE
DAVIS, in their official and individual capacities,
WELLPATH CARE, F/K/A CORRECT CARE
SOLUTIONS, individually; OFFICER DORADO,
individually; OFFICER D. CHAPARRO,

CASE NO.: 2:21-cv-00372- RFB-DJA

**DEFENDANTS MICHAEL POPOV, D.O.
AND JONATHAN STILL, M.D.'S
ANSWER TO PLAINTIFFS' FIRST
AMENDED COMPLAINT [ECF No. 56]**

1 individually; OFFICER M. WASHINGTON,
 2 individually; SGT M. PARKER, individually;
 3 SGT. C. SMITH, individually; SGT. WEDIG,
 4 individually; SHAWN MAPLETON, individually;
 5 MICHAEL POPOV, individually; VIRGILIO
 6 PADILLA, individually; FRANCES BODDIE-
 7 SMALL, individually; EBONYMICHELLE D.
 8 GARNER, individually; PSYCH RN DEE,
 9 individually; REGINA ELIZONDO, individually,
 10 and DOES 1-35 inclusive all of whom are sued in
 11 their individual capacities.

12 Defendants.

13 COMES NOW Defendants MICHAEL POPOV, D.O. and JONATHAN STILL, M.D. (hereafter
 14 referred to “Defendants”), by and through their attorney of record, Paul A. Cardinale, Esq. of the law
 15 firm Lauria Tokunaga Gates & Linn, LLP, hereby submit their Answer to Plaintiffs’ First Amended
 16 Complaint For Damages (ECF No. 56) as follows:

17 **INTRODUCTION**

18 1. Answering paragraph 1 of Plaintiffs’ First Amended Complaint, Defendants are without
 19 sufficient information or knowledge to admit or deny the allegations contained therein and upon that
 20 basis, deny each and every allegation contained therein.

21 2. Answering paragraph 2 of Plaintiffs’ First Amended Complaint, Defendants are without
 22 sufficient information or knowledge to admit or deny the allegations contained therein and upon that
 23 basis, deny each and every allegation contained therein.

24 3. Answering paragraph 3 of Plaintiffs’ First Amended Complaint, Defendants are without
 25 sufficient information or knowledge to admit or deny the allegations contained therein and upon that
 26 basis, deny each and every allegation contained therein.

27 4. Answering paragraph 4 of Plaintiffs’ First Amended Complaint, Defendants are without
 28 sufficient information or knowledge to admit or deny the allegations contained therein and upon that
 basis, deny each and every allegation contained therein.

1 14. Answering paragraph 14 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 15. Answering paragraph 15 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 16. Answering paragraph 16 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 17. Answering paragraph 17 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 18. Answering paragraph 18 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 19. Answering paragraph 19 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 20. Answering paragraph 20 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 21. Answering paragraph 21 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

25 22. Answering paragraph 22 of Plaintiffs' First Amended Complaint, Defendants are
26 without sufficient information or knowledge to admit or deny the allegations contained therein and
27 upon that basis, deny each and every allegation contained therein.
28

1 23. Answering paragraph 23 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 24. Answering paragraph 24 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 25. Answering paragraph 25 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 26. Answering paragraph 26 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 27. Answering paragraph 27 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 28. Answering paragraph 28 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 29. Answering paragraph 29 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 30. Answering paragraph 30 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

25 31. Answering paragraph 31 of Plaintiffs' First Amended Complaint, Defendants are
26 without sufficient information or knowledge to admit or deny the allegations contained therein and
27 upon that basis, deny each and every allegation contained therein.
28

1 32. Answering paragraph 32 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 33. Answering paragraph 33 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 34. Answering paragraph 34 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 35. Answering paragraph 35 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 36. Answering paragraph 36 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 37. Answering paragraph 37 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 38. Answering paragraph 38 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 39. Answering paragraph 39 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

25 40. Answering paragraph 40 of Plaintiffs' First Amended Complaint, Defendants are
26 without sufficient information or knowledge to admit or deny the allegations contained therein and
27 upon that basis, deny each and every allegation contained therein.
28

1 41. Answering paragraph 41 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 42. Answering paragraph 42 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 43. Answering paragraph 43 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 44. Answering paragraph 44 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 45. Answering paragraph 45 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 46. Answering paragraph 46 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 47. Answering paragraph 47 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 48. Answering paragraph 48 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

25 49. Answering paragraph 49 of Plaintiffs' First Amended Complaint, Defendants deny each
26 and every allegation contained therein.

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1 50. Answering paragraph 50 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 51. Answering paragraph 51 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 52. Answering paragraph 52 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 53. Answering paragraph 53 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 54. Answering paragraph 54 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 55. Answering paragraph 55 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 56. Answering paragraph 56 of Plaintiffs' First Amended Complaint, Defendants deny each
20 and every allegation contained therein.

21 57. Answering paragraph 57 of Plaintiffs' First Amended Complaint, Defendants deny each
22 and every allegation contained therein.

23 58. Answering paragraph 58 of Plaintiffs' First Amended Complaint, Defendants are
24 without sufficient information or knowledge to admit or deny the allegations contained therein and
25 upon that basis, deny each and every allegation contained therein.

26 59. Answering paragraph 59 of Plaintiffs' First Amended Complaint, Defendants are
27 without sufficient information or knowledge to admit or deny the allegations contained therein and
28 upon that basis, deny each and every allegation contained therein.

1 60. Answering paragraph 60 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 61. Answering paragraph 61 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 62. Answering paragraph 62 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 63. Answering paragraph 63 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 64. Answering paragraph 64 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 65. Answering paragraph 65 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 66. Answering paragraph 66 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 **JURISDICTION AND VENUE**

23 67. Answering paragraph 67 of Plaintiffs' First Amended Complaint, Defendants admit
24 each and every allegation contained therein.

25 68. Answering paragraph 68 of Plaintiffs' First Amended Complaint, Defendants admit
26 each and every allegation contained therein.

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1 69. Answering paragraph 69 of Plaintiffs' First Amended Complaint, Defendants admit
2 each and every allegation contained therein.

3 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

4 **Stephen's detention, starvation, and death**

5 70. Answering Paragraph 70 of Plaintiffs' First Amended Complaint, Defendants are
6 without sufficient information or knowledge to admit or deny the allegations contained therein and
7 upon that basis, deny each and every allegation contained therein.

8 71. Answering Paragraph 71 of Plaintiffs' First Amended Complaint, Defendants are
9 without sufficient information or knowledge to admit or deny the allegations contained therein and
10 upon that basis, deny each and every allegation contained therein.

11 72. Answering Paragraph 72 of Plaintiffs' First Amended Complaint, Defendants are
12 without sufficient information or knowledge to admit or deny the allegations contained therein and
13 upon that basis, deny each and every allegation contained therein.

14 73. Answering Paragraph 73 of Plaintiffs' First Amended Complaint, Defendants are
15 without sufficient information or knowledge to admit or deny the allegations contained therein and
16 upon that basis, deny each and every allegation contained therein.

17 74. Answering Paragraph 74 of Plaintiffs' First Amended Complaint, Defendants are
18 without sufficient information or knowledge to admit or deny the allegations contained therein and
19 upon that basis, deny each and every allegation contained therein.

20 75. Answering Paragraph 75 of Plaintiffs' First Amended Complaint, Defendants are
21 without sufficient information or knowledge to admit or deny the allegations contained therein and
22 upon that basis, deny each and every allegation contained therein.

23 76. Answering Paragraph 76 of Plaintiffs' First Amended Complaint, Defendants are
24 without sufficient information or knowledge to admit or deny the allegations contained therein and
25 upon that basis, deny each and every allegation contained therein.

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1 77. Answering Paragraph 77 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 78. Answering Paragraph 78 of Plaintiffs' First Amended Complaint, Defendants deny each
5 and every allegation contained therein.

6 79. Answering Paragraph 79 of Plaintiffs' First Amended Complaint, Defendants deny each
7 and every allegation contained therein.

8 80. Answering Paragraph 80 of Plaintiffs' First Amended Complaint, Defendants deny each
9 and every allegation contained therein.

10 81. Answering Paragraph 81 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 82. Answering Paragraph 82 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 83. Answering Paragraph 83 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 84. Answering Paragraph 84 of Plaintiffs' First Amended Complaint, Defendants deny each
20 and every allegation contained therein.

21 85. Answering Paragraph 85 of Plaintiffs' First Amended Complaint, Defendants are
22 without sufficient information or knowledge to admit or deny the allegations contained therein and
23 upon that basis, deny each and every allegation contained therein.

24 86. Answering Paragraph 86 of Plaintiffs' First Amended Complaint, Defendants are
25 without sufficient information or knowledge to admit or deny the allegations contained therein and
26 upon that basis, deny each and every allegation contained therein.
27
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1 87. Answering Paragraph 87 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 88. Answering Paragraph 88 of Plaintiffs' First Amended Complaint, Defendants deny each
5 and every allegation contained therein.

6 89. Answering Paragraph 89 of Plaintiffs' First Amended Complaint, Defendants deny each
7 and every allegation contained therein.

8 90. Answering Paragraph 90 of Plaintiffs' First Amended Complaint, Defendants deny each
9 and every allegation contained therein.

10 91. Answering Paragraph 91 of Plaintiffs' First Amended Complaint, Defendants deny each
11 and every allegation contained therein.

12 92. Answering Paragraph 92 of Plaintiffs' First Amended Complaint, Defendants deny each
13 and every allegation contained therein.

14 93. Answering Paragraph 93 of Plaintiffs' First Amended Complaint, Defendants are
15 without sufficient information or knowledge to admit or deny the allegations contained therein and
16 upon that basis, deny each and every allegation contained therein.

17 94. Answering Paragraph 94 of Plaintiffs' First Amended Complaint, Defendants are
18 without sufficient information or knowledge to admit or deny the allegations contained therein and
19 upon that basis, deny each and every allegation contained therein.

20 95. Answering Paragraph 95 of Plaintiffs' First Amended Complaint, Defendants are
21 without sufficient information or knowledge to admit or deny the allegations contained therein and
22 upon that basis, deny each and every allegation contained therein.

23 96. Answering Paragraph 96 of Plaintiffs' First Amended Complaint, Defendants are
24 without sufficient information or knowledge to admit or deny the allegations contained therein and
25 upon that basis, deny each and every allegation contained therein.
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1 97. Answering Paragraph 97 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 98. Answering Paragraph 98 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 99. Answering Paragraph 99 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 100. Answering Paragraph 100 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 101. Answering Paragraph 101 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 102. Answering Paragraph 102 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 103. Answering Paragraph 103 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 104. Answering Paragraph 104 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 105. Answering Paragraph 105 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 106. Answering Paragraph 106 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 107. Answering Paragraph 107 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 108. Answering Paragraph 108 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 109. Answering Paragraph 109 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 110. Answering Paragraph 110 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 111. Answering Paragraph 111 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 112. Answering Paragraph 112 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 113. Answering Paragraph 113 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 114. Answering Paragraph 114 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 115. Answering Paragraph 115 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 116. Answering Paragraph 116 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 117. Answering Paragraph 117 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 118. Answering Paragraph 118 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 119. Answering Paragraph 119 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 120. Answering Paragraph 120 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 121. Answering Paragraph 121 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 122. Answering Paragraph 122 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 123. Answering Paragraph 123 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 124. Answering Paragraph 124 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 125. Answering Paragraph 125 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 126. Answering Paragraph 126 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 127. Answering Paragraph 127 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 128. Answering Paragraph 128 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 129. Answering Paragraph 129 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 130. Answering Paragraph 130 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 131. Answering Paragraph 131 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 132. Answering Paragraph 132 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 133. Answering Paragraph 133 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 134. Answering Paragraph 134 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 135. Answering Paragraph 135 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 136. Answering Paragraph 136 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 137. Answering Paragraph 137 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 **Wellpath and the City's ongoing and widespread custom, pattern, and practice, and practice of**
5 **providing constitutionally inadequate medical and mental health care.**

6 138. Answering Paragraph 138 of Plaintiffs' First Amended Complaint, Defendants are
7 without sufficient information or knowledge to admit or deny the allegations contained therein and
8 upon that basis, deny each and every allegation contained therein.

9 139. Answering Paragraph 139 of Plaintiffs' First Amended Complaint, Defendants are
10 without sufficient information or knowledge to admit or deny the allegations contained therein and
11 upon that basis, deny each and every allegation contained therein.

12 140. Answering Paragraph 140 of Plaintiffs' First Amended Complaint, Defendants are
13 without sufficient information or knowledge to admit or deny the allegations contained therein and
14 upon that basis, deny each and every allegation contained therein.

15 141. Answering Paragraph 141 of Plaintiffs' First Amended Complaint, Defendants are
16 without sufficient information or knowledge to admit or deny the allegations contained therein and
17 upon that basis, deny each and every allegation contained therein.

18 142. Answering Paragraph 142 of Plaintiffs' First Amended Complaint, Defendants are
19 without sufficient information or knowledge to admit or deny the allegations contained therein and
20 upon that basis, deny each and every allegation contained therein.

21 143. Answering Paragraph 143 of Plaintiffs' First Amended Complaint, Defendants are
22 without sufficient information or knowledge to admit or deny the allegations contained therein and
23 upon that basis, deny each and every allegation contained therein.

24 144. Answering Paragraph 144 of Plaintiffs' First Amended Complaint, Defendants are
25 without sufficient information or knowledge to admit or deny the allegations contained therein and
26 upon that basis, deny each and every allegation contained therein.
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1 145. Answering Paragraph 145 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 146. Answering Paragraph 146 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 147. Answering Paragraph 147 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 148. Answering Paragraph 148 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 149. Answering Paragraph 149 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 150. Answering Paragraph 150 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 151. Answering Paragraph 151 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 152. Answering Paragraph 152 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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1 153. Answering Paragraph 153 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 154. Answering Paragraph 154 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 155. Answering Paragraph 155 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 156. Answering Paragraph 156 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 157. Answering Paragraph 157 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 158. Answering Paragraph 158 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 159. Answering Paragraph 159 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22
23 **FIRST CLAIM FOR RELIEF**

24 **DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS**
25 **IN VIOLATION OF THE FOURTEENTH AMENDMENT (42 U.S.C. §1983)**

26 *Special Administrator v. Individual Defendants*
27
28

1 160. Answering paragraph 160 of Plaintiffs' First Amended Complaint, Defendants repeat
2 and re-allege their answers to each and every allegation contained in paragraphs 1 through 159 above,
3 and incorporate the same by reference as though fully set forth herein.

4 161. Answering paragraph 161 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 162. Answering paragraph 162 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 163. Answering paragraph 163 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 164. Answering paragraph 164 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 165. Answering paragraph 165 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 166. Answering paragraph 166 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 167. Answering paragraph 167 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

25
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1 168. Answering paragraph 168 of Plaintiffs' First Amended Complaint, Defendants are
 2 without sufficient information or knowledge to admit or deny the allegations contained therein and
 3 upon that basis, deny each and every allegation contained therein.

4 169. Answering paragraph 169 of Plaintiffs' First Amended Complaint, Defendants are
 5 without sufficient information or knowledge to admit or deny the allegations contained therein and
 6 upon that basis, deny each and every allegation contained therein.

7 170. Answering paragraph 170 of Plaintiffs' First Amended Complaint, Defendants are
 8 without sufficient information or knowledge to admit or deny the allegations contained therein and
 9 upon that basis, deny each and every allegation contained therein.

10 171. Answering paragraph 171 of Plaintiffs' First Amended Complaint, Defendants are
 11 without sufficient information or knowledge to admit or deny the allegations contained therein and
 12 upon that basis, deny each and every allegation contained therein.

13 172. Answering paragraph 172 of Plaintiffs' First Amended Complaint, Defendants are
 14 without sufficient information or knowledge to admit or deny the allegations contained therein and
 15 upon that basis, deny each and every allegation contained therein.

16 173. Answering paragraph 173 of Plaintiffs' First Amended Complaint, Defendants are
 17 without sufficient information or knowledge to admit or deny the allegations contained therein and
 18 upon that basis, deny each and every allegation contained therein.

20 **SECOND CLAIM FOR RELIEF**

21 **DEPRIVATION OF FAMILIAL ASSOCIATION**

22 **IN VIOLATION OF THE FOURTEENTH AMENDMENT (42 U.S.C. §1983)**

23 ***All Plaintiffs v. Individual Defendants***

24 174. Answering paragraph 174 of Plaintiffs' First Amended Complaint, Defendants repeat
 25 and re-allege their answers to each and every allegation contained in paragraphs 1 through 173 above,
 26 and incorporate the same as though fully set forth herein.

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1 175. Answering paragraph 175 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 176. Answering paragraph 176 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 177. Answering paragraph 177 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 178. Answering paragraph 178 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 179. Answering paragraph 179 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 180. Answering paragraph 180 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 181. Answering paragraph 181 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22 182. Answering paragraph 182 of Plaintiffs' First Amended Complaint, Defendants are
23 without sufficient information or knowledge to admit or deny the allegations contained therein and
24 upon that basis, deny each and every allegation contained therein.

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THIRD CLAIM FOR RELIEF

OVER-DETENTION IN VIOLATION OF THE FOURTEENTH

AMENDMENT (42 U.S.C. §1983)

Special Administrator v. Individual Defendants

183. Answering paragraph 183 of Plaintiffs' First Amended Complaint, Defendants repeat and re-allege their answers to each and every allegation contained in paragraphs 1 through 182 above, and incorporate the same by reference as though fully set forth herein.

184. Answering paragraph 184 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

185. Answering paragraph 185 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

186. Answering paragraph 186 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

187. Answering paragraph 187 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

188. Answering paragraph 188 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

189. Answering paragraph 189 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

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190. Answering paragraph 190 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

FOURTH CLAIM FOR RELIEF

MONELL LIABILITY – FAILURE TO TRAIN (42 U.S.C. §1983)

Special Administrator v. City of Las Vegas & Wellpath

191. Answering paragraph 191 of Plaintiffs' First Amended Complaint, Defendants repeat and re-allege their answers to each and every allegation contained in paragraphs 1 through 190 above, and incorporate the same by reference as though fully set forth herein.

192. Answering paragraph 192 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

193. Answering paragraph 193 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

194. Answering paragraph 194 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

195. Answering paragraph 195 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

196. Answering paragraph 196 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

197. Answering paragraph 197 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

198. Answering paragraph 198 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

FIFTH CLAIM FOR RELIEF

MONELL LIABILITY – POLICY& CUSTOM (42 U.S.C. §1983)

Special Administrator v. City of Las Vegas & Wellpath

199. Answering paragraph 199 of Plaintiffs' First Amended Complaint, Defendants repeat and re-allege their answers to each and every allegation contained in paragraphs 1 through 198 above, and incorporate the same by reference as though fully set forth herein.

200. Answering paragraph 200 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

201. Answering paragraph 201 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

202. Answering paragraph 202 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

203. Answering paragraph 203 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

204. Answering paragraph 204 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

205. Answering paragraph 205 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

SIXTH CLAIM FOR RELIEF

**DISABILITY DISCRIMINATION IN VIOLATION OF THE REHABILITATION ACT OF
1973 and TITLE II OF THE AMERICANS WITH DISABILITIES ACT (“ADA”)**

Special Administrator v. City of Las Vegas & Wellpath

206. Answering paragraph 206 of Plaintiffs’ First Amended Complaint, Defendants repeat and re-allege their answers to each and every allegation contained in paragraphs 1 through 205 above, and incorporate the same by reference as though fully set forth herein.

207. Answering paragraph 207 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

208. Answering paragraph 208 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

209. Answering paragraph 209 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

210. Answering paragraph 210 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

211. Answering paragraph 211 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

212. Answering paragraph 212 of Plaintiffs’ First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

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1 213. Answering paragraph 213 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 214. Answering paragraph 214 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 215. Answering paragraph 215 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 216. Answering paragraph 216 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 217. Answering paragraph 217 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16
17 **SEVENTH CLAIM FOR RELIEF**

18 **WRONGFUL DEATH**

19 **IN VIOLATION OF NEVADA STATE LAW**

20 ***SMB, SFB, and Mariam Blue v. All Defendants***

21 218. Answering paragraph 218 of Plaintiffs' First Amended Complaint, Defendants repeat
22 and re-allege their answers to each and every allegation contained in paragraphs 1 through 217 above,
23 and incorporate the same by reference as though fully set forth herein.

24 219. Answering paragraph 219 of Plaintiffs' First Amended Complaint, Defendants are
25 without sufficient information or knowledge to admit or deny the allegations contained therein and
26 upon that basis, deny each and every allegation contained therein.

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221. Answering paragraph 221 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

222. Answering paragraph 222 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

223. Answering paragraph 223 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

224. Answering paragraph 224 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

WRONGFUL DEATH IN VIOLATION OF NEVADA STATE LAW

225. Answering paragraph 225 of Plaintiffs' First Amended Complaint, Defendants repeat and re-allege their answers to each and every allegation contained in paragraphs 1 through 224 above, and incorporate the same by reference as though fully set forth herein.

226. Answering paragraph 226 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

227. Answering paragraph 227 of Plaintiffs' First Amended Complaint, Defendants are without sufficient information or knowledge to admit or deny the allegations contained therein and upon that basis, deny each and every allegation contained therein.

1 236. Answering paragraph 236 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 237. Answering paragraph 237 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 238. Answering paragraph 238 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 239. Answering paragraph 239 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 240. Answering paragraph 240 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 241. Answering paragraph 241 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19
20 **TENTH CLAIM FOR RELIEF**

21 **MEDICAL MAPRACTICE IN VIOLATION OF NEVADA STATE LAW**

22 ***All Plaintiffs v. Medical Defendants***

23 242. Answering paragraph 242 of Plaintiffs' First Amended Complaint, Defendants repeat
24 and re-allege their answers to each and every allegation contained in paragraphs 1 through 241 above,
25 and incorporate the same by reference as though fully set forth herein.

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1 243. Answering paragraph 243 of Plaintiffs' First Amended Complaint, Defendants are
2 without sufficient information or knowledge to admit or deny the allegations contained therein and
3 upon that basis, deny each and every allegation contained therein.

4 244. Answering paragraph 244 of Plaintiffs' First Amended Complaint, Defendants are
5 without sufficient information or knowledge to admit or deny the allegations contained therein and
6 upon that basis, deny each and every allegation contained therein.

7 245. Answering paragraph 245 of Plaintiffs' First Amended Complaint, Defendants are
8 without sufficient information or knowledge to admit or deny the allegations contained therein and
9 upon that basis, deny each and every allegation contained therein.

10 246. Answering paragraph 246 of Plaintiffs' First Amended Complaint, Defendants are
11 without sufficient information or knowledge to admit or deny the allegations contained therein and
12 upon that basis, deny each and every allegation contained therein.

13 247. Answering paragraph 247 of Plaintiffs' First Amended Complaint, Defendants are
14 without sufficient information or knowledge to admit or deny the allegations contained therein and
15 upon that basis, deny each and every allegation contained therein.

16 248. Answering paragraph 248 of Plaintiffs' First Amended Complaint, Defendants are
17 without sufficient information or knowledge to admit or deny the allegations contained therein and
18 upon that basis, deny each and every allegation contained therein.

19 249. Answering paragraph 249 of Plaintiffs' First Amended Complaint, Defendants are
20 without sufficient information or knowledge to admit or deny the allegations contained therein and
21 upon that basis, deny each and every allegation contained therein.

22
23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 That Plaintiffs' First Amended Complaint does not state facts sufficient to constitute a cause of
26 action against these Answering Defendants.

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SECOND AFFIRMATIVE DEFENSE

That Plaintiffs were negligent in some percentage compared to that of other parties, and said negligence contributed legally to any injuries or damages.

THIRD AFFIRMATIVE DEFENSE

That other persons and/or entities who are parties to this action and other persons and/or entities who are not parties to this action are liable for legal fault and, should Plaintiffs obtain a judgment for damages, it would be the result of such conduct other than that of these Answering Defendants and the legal cause of any injuries or damages.

FOURTH AFFIRMATIVE DEFENSE

That Plaintiff expressly assumed the risk of injury with full knowledge and appreciation of such conduct and that such conduct was the legal cause of any injuries and damages.

FIFTH AFFIRMATIVE DEFENSE

That Plaintiff failed to exercise reasonable diligence to mitigate any alleged damages and said conduct was the legal cause of any injuries and damages.

SIXTH AFFIRMATIVE DEFENSE

That Plaintiffs' First Amended Complaint does not state facts sufficient to constitute a cause of action for punitive damages against these Answering Defendants.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to demonstrate that he exhausted the available administrative remedies as required under 42 USC § 1997e(a), as amended by the Prison Litigation Reform Act of 1996, and any other available administrative remedies.

EIGHTH AFFIRMATIVE DEFENSE

Answering Defendants are qualifiedly immune from civil damages because its conduct did not violate clearly established statutory constitutional rights of which a reasonable person would have known.

NINTH AFFIRMATIVE DEFENSE

Answering Defendants were not acting under color of law at the time it provided medical care and treatment to Plaintiff.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the statute of limitations.

ELEVENTH AFFIRMATIVE DEFENSE

Answering Defendants are protected from liability and suit by 42 United States Code § 1983 and is, therefore, Plaintiff is barred from any and all recovery from this Answering Defendant.

TWELFTH AFFIRMATIVE DEFENSE

Answering Defendants cannot fully anticipate all affirmative defenses that may be applicable to this action based upon the conclusory terms used in Plaintiffs' First Amended Complaint. Accordingly, Answering Defendants expressly reserve the right to assert additional defenses if and to the extent that such affirmative defenses become applicable.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' causes of action are barred by the doctrines of release, laches, waiver, unclean hands, and estoppel.

FOURTEENTH AFFIRMATIVE DEFENSE

Answering Defendants made, consistent with good medical practice, a full and complete disclosure to Plaintiffs of all material facts known to Answering Defendants or reasonably believed by Answering Defendants to be true concerning Plaintiffs' physical condition and the appropriate alternative procedures available for treatment of such condition. Further, each and every service provided to Plaintiffs by Answering Defendants were expressly and impliedly consented to and authorized by Plaintiffs on the basis of the full and complete disclosure.

FIFTEENTH AFFIRMATIVE DEFENSE

A. Plaintiffs would have consented to the procedure or the treatment even if a reasonable person in his position might not if he had been given enough information about the risks.

B. Answering Defendants were not required to inform Plaintiffs about any risks of the procedure or the treatment because he asked not to be told of the risks.

C. Answering Defendants were not required to inform Plaintiffs about any risks of the procedure or the treatment because the procedure or the treatment was simple, and it was commonly understood any dangers were not likely to occur.

1 D. Answering Defendants were not required to inform Plaintiffs about any risks of the
 2 procedure or the treatment because Plaintiffs would have been so seriously upset that he would not have
 3 been able to reasonably consider those risks.

4 E. Answering Defendant was not required to obtain informed consent because an
 5 emergency existed, and Plaintiff was unconscious or there was not enough time to inform him or an
 6 authorized person about the risks of the procedure or the treatment.

7 **SIXTEENTH AFFIRMATIVE DEFENSE**

8 In all of the treatment provided to Plaintiffs by Answering Defendants, Plaintiffs was fully
 9 informed of the risks inherent in such medical treatment and the risks inherent in his own failure to
 10 comply with medical instructions and did voluntarily assume all attendant risks.

11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 Answering Defendants were not the proximate/legal cause of Plaintiffs' claimed injuries and
 13 damages.

14 **EIGHTEENTH AFFIRMATIVE DEFENSE**

15 Plaintiffs' claimed injuries and damages were caused by, or due to, an unavoidable condition or
 16 occurrence.

17 **NINETEENTH AFFIRMATIVE DEFENSE**

18 Plaintiffs' claimed injuries were unforeseeable.

19 **TWENTIETH AFFIRMATIVE DEFENSE**

20 Plaintiffs' claimed injuries and damages were caused by forces of nature over which Answering
 21 Defendants had no liability, responsibility or control.

22 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

23 Plaintiffs' claimed injuries and damages were caused by new, independent, intervening or
 24 superseding causes over which Answering Defendants had no liability, responsibility or control.

25 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

26 Plaintiffs' claimed injuries and damages can and did occur in the absence of negligence and/or
 27 deliberate indifference.

28 ///

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claimed injuries and damages were solely the result of the natural course of a disease or condition or the expected result of reasonable treatment provided for the disease or condition by Answering Defendants.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiffs failed to use ordinary care for the safety of his person and property, was negligent and careless concerning the matters set forth in their First Amended Complaint, and any damages suffered by him proximately resulted therefrom.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from asserting any causes of action against Answering Defendant because his claimed damages were the result of the intervening and/or superseding conduct of others over whom Answering Defendants had no liability, responsibility or control.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

The negligence, misconduct and fault of Plaintiffs exceeded that of Answering Defendants and/or all Co-Defendants, if any, and Plaintiff is therefore barred from any recovery.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Answering Defendants would be severally liable for only the portion of Plaintiffs' damages that represents the percentage of fault or legal responsibility, if any, attributed to Answering Defendants. Answering Defendants would not therefore be responsible for the negligence, fault or legal responsibility attributed to Plaintiffs, Co-Defendants, if any, whether or not served, and third persons not named as a plaintiff or defendant.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs failed, neglected, or refused to exercise efforts to mitigate his injuries and damages.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Plaintiffs' claims in their First Amended Complaint are barred by the doctrines of *res judicata* and/or collateral estoppel.

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THIRTIETH AFFIRMATIVE DEFENSE

Answering Defendants have had to retain an attorney to defend them in this action and Answering Defendants are entitled to recover its attorney's fees and costs.

WHEREFORE, Answering Defendants pray that Plaintiffs take nothing by reason of the First Amended Complaint on file herein, for costs of suit incurred herein; and, for such other and further relief as the court deems just and proper. Answering Defendants hereby also demands a trial by jury.

DATED: February 24, 2022

LAURIA TOKUNAGA GATES & LINN, LLP

/s/ Paul A. Cardinale

By: _____

Paul A. Cardinale, Esq.

Nevada Bar No. 8394

Attorney for Defendants

Michael Popov, D.O. and Jonathan Still, M.D.

CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on 25TH day of February, 2022, the foregoing **DEFENDANTS MICHAEL POPOV, D.O. AND JONATHAN STILL M.D'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES [ECF No. 56]** was served as follows upon the following:

 ✓ Through the CM/ECF System of the United States District Court for the District of Nevada upon the following:

 By U.S. Mail, First Class, Postage Prepaid upon the following:

<p><u>ATTORNEY FOR PLAINTIFFS:</u> <i>LISA CARROLL on behalf of SMB & SFB and MARIAM BLUE individually and as Special Administrator of behalf of Stephen Burrell</i></p> <p>Peter Goldstein, Esq. Law Offices of Peter Goldstein 10161 Park Run Drive, Suite #150 Las Vegas, NV 89145 peter@petergoldsteinlaw.com</p>	<p><u>FOR DEFENDANTS:</u> <i>City of Las Vegas Former Chief Michele Freeman; Robert Straube; Lt. Sharon Meads; Lt. Cesar Landrove; Lt. Venus Thompson; Lt. Danielle Davis; Officer Dorado; Officer D. Chaparro; Officer M. Washington; Sgt. C. Smith; Sgt. Wedig; Sgt. M. Parker</i></p> <p>Bryan K. Scott, Esq City Attorney Jeffrey L. Galliher, Esq. Deputy City Attorney Las Vegas City Attorney's Office 495 S. Main Street, 6th Floor Las Vegas, NV 89101 jgalliher@lasvegasnevada.gov</p>
<p><u>FOR DEFENDANTS:</u> <i>Wellpath F/K/A Correct Care Solutions; Dr. Shawn Mapleton; Frances Boddie-Small; LPN EbonyMichelle D. Garner; Pysch RN Dee; Regina Elizondo; Virgilio Padilla and Vicky Morgan</i></p> <p>S. Brent Vogel, Esq. John M. Orr, Esq . LEWIS BRISBOIS BISGAARD & SMITH, LLP 6385 S. Rainbow Boulevard, Suite #600 Las Vegas, NV 89118 Brent.Vogel@lewisbrisbois.com John.Orr@lewisbrisbois.com</p>	

/s/ Marisa Perez

 An employee of Lauria Tokunaga
 Gates & Linn, LLP